

Evening Bulletin

With which is Incorporated the "Independent."

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THE Evening Bulletin

With which is incorporated the INDEPENDENT.

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EXHIBITS IN THE CASE.

INTERESTING HISTORY IN THE SUIT AGAINST SPECKELS.

Ten Million Dollars the Capital of the Company—Documents Public and Private.

One of the most important actions ever brought in the Hawaiian courts, as regards the amount of property value involved, is that of the Hawaiian Commercial & Sugar Company against Claus Spreckels, reported exclusively in yesterday's BULLETIN. Some additional details from the petition and exhibits in the case will probably be of general interest.

The original name of the plaintiff corporation was the Hawaiian Commercial Company, incorporated under the laws of California in September, 1878, with a capital stock of ten million dollars. Claus Spreckels was the owner of 520 out of the 100 shares into which the stock was divided. It was deemed expedient by the directors that Mr. Spreckels should hold the property, etc., in his own name, and in October, 1878, he executed a deed of trust, declaring that he held the same to the use and for the benefit of the corporation. This deed is not now in the possession of the plaintiff, nor does it know or have any information of where it is.

Exhibit "A" is a petition to King Kalakaua and the Ministry in Cabinet Council assembled, in which Mr. Spreckels "most respectfully petitions and asks, that, in consideration of the sum of five hundred dollars to be annually paid in advance by the undersigned to the Hawaiian Government, and in consideration of the great and manifold advantages that will accrue to said Government by the construction of a large and extensive system of irrigation works on the island of Maui, whereby a large district, now lying waste, will be brought to a high state of cultivation, and in further consideration of the stipulations and agreements hereinafter contained and set forth," the Minister of the Interior grant to the petitioner, for the term of thirty years, all the waters not heretofore utilized running from and on the northerly and northwesterly slopes of Mount Haleakala, etc.

It is stipulated that at the expiration of thirty years the Hawaiian Government may acquire the water privileges by paying to the petitioner, his successors, administrators or assigns the value of the aqueduct property, to be determined by a commission of three residents of the Hawaiian Islands.

Exhibit "B" is an indenture made by and between Samuel G. Wilder, Minister of the Interior, and Claus Spreckels, on July 8, 1878, conveying the water rights petitioned for by the latter. This was recorded the same day with Thomas Brown, Register of Conveyances. Exhibit "C" is a deed dated June 25, 1895, by Henry Cornwell to Claus Spreckels for \$20,000 of 15,000 acres of land.

Exhibit "D" is a lease from the Commissioners of Crown Lands to Mr. Spreckels of 16,000 acres of land, dated July 5, 1878. It is signed for the Commissioners by John O. Dominis, Commissioner and Land Agent. Exhibit "E" is another Crown Land lease of 3260 acres.

Exhibit "F" is the grant of a right of way by Charles R. Bishop over his lands for one dollar's consideration to Mr. Spreckels for his ditches and pipe lines. Exhibit "G" is the grant of a free

right of way for the same by the Haiku Sugar Company, Alexander & Baldwin, composed of S. T. Alexander and H. P. Baldwin; W. F. Sharratt & Co., composed of W. F. Sharratt, S. B. Dole, W. O. Smith and A. H. Smith, and J. M. Alexander.

Exhibit "I" is the articles of incorporation of the Hawaiian Commercial Company. Claus Spreckels subscribes \$5,200,000; Frederick P. Low, \$100,000; William P. Babcock, \$500,000; Hermann Schussler, \$3,200,000; and Hermann Bendel, \$1,000,000. Exhibit "J" is the articles of incorporation of the Hawaiian Commercial and Sugar Company.

Exhibit "K" is a quitclaim of water rights by the Waikae Sugar Company for \$10,000 to Mr. Spreckels.

Exhibit "L" is a quitclaim deed from Princess Ruth Keelikolani to Claus Spreckels for \$10,000 of a certain Crown Land tract, dated September 13, 1880, and attested before Cecil Brown, notary public. Exhibit "M" is the deed of such land, being the Ahupuaa of Wailuku containing 24,000 acres by Walter Murray Gibson, Edward Preston and C. H. Judd, dated August 11, 1882. Exhibit "N" is a royal patent from King Kalakaua to Claus Spreckels for the same land.

Exhibit "O" is a conveyance of properties, franchises, etc., from Claus Spreckels to the Hawaiian Commercial & Sugar Co., but not including the Ahupuaa of Wailuku, dated Sept. 25, 1882.

Exhibit "P" is a deed from Mr. and Mrs. Spreckels to the corporation of one undivided half of the Ahupuaa of Wailuku, also a piece of land adjoining Hamakua, also the privileges granted by Minister Wilder. The consideration is five dollars, and the deed is dated Feb. 27, 1885. It is attested before H. W. Severance, Hawaiian Consul at San Francisco.

The last exhibit, "Z," is the first annual report of H. L. Dodge, president of the company, dated Nov. 16, 1885. It shows a production of a fraction over 6666 tons, sold at the average price of \$102.18 per ton, yielding \$681,240.22. The expenses amounted to \$807,146.80.

CLAIMS FOR ROAD DAMAGES.

Exorbitant Estimates of Values by Nuanu Stream Owners and Tenants.

Claims for road damages on the line of the Queen street extension are under examination in the Government Survey Office. Some of them are preposterous in amount, and the aggregate is no less than \$94,335.67, of which \$84,450.92 are from owners and \$10,884.75 from tenants.

One claim is for more than \$17,000, the owner wanting 75 cents a foot for land that lies under water. His property is above Beretania street where it has no present value as business property. A great proportion of all the land to be taken is under water. Another claimant wants 75 cents for wet land and a dollar a foot for land that is dry and under foot.

Mr. Hassinger, chief clerk of the Interior Department, is conducting a careful scrutiny of the claims. He is finding out what the property is valued at for taxation purposes. Also, in the case of recent buyers, what they paid for their properties.

A number of new residences are to be erected at Makiki within the next few months by well-to-do people.

Mr. Kamaki, an employee of the Metropolitan Meat Market, is celebrating the birthday anniversary of his child by giving a luau to the residents of Waikiki.

TO ANSWER FOR PERJURY.

GEORGE HOUGHTAILING TO BE TRIED IN CIRCUIT COURT.

Bail Fixed at One Thousand Dollars—Two Judges on the Bench for a Time.

When the habitues of the District Court took their usual seats this morning they were surprised to see both Judges Wilcox and Perry on the bench. In the language of the legal luminaries, such as Blackstone, Coke and others the Court was sitting in banco. This was necessary according to the law on indigent criminals who have no means of paying fines and have served out their terms of imprisonment.

Git Wa has been in jail six months for illegal transactions in opium and, upon testifying that he had no property or means to pay the fine imposed as part of his sentence, was allowed to go free.

A Portuguese lady named Teresa P. Machado Miranda next applied for relief under somewhat different circumstances. She was convicted on May 15, 1893, of stealing \$590 from Mrs. Maria J. Schwanck and sentenced to eighteen months imprisonment and a fine of \$400. She has served out her term and upon showing to the satisfaction of both judges that she was utterly unable to pay her fine they signed an order for her release.

This ended the proceedings before the Court in banco and Judge Wilcox gracefully withdrew, leaving the rest of the criminals to the tender mercies of his co-judges.

Kobayakawa went visiting up Nuuanu valley without a permit and paid two dollars for the privilege.

Having sufficiently recovered from his recent indisposition, which at one time was magnified into cholera enough to supply the whole police department, Mr. Kabanani made his bow before the Court and pleaded not guilty to the charge of housebreaking in the daytime. He did not think it worth while to put Judge Perry to the trouble of holding a preliminary examination, however, and was held to answer to the Circuit Court at the next term.

Antonio Macario and Augusto Ferreira pleaded guilty of malicious injury in destroying a four dollar bridge on the corner of School, Emma and Punchbowl streets, the property of T. Netto. The defendants were fined \$5 each and costs.

The charge of receiving stolen goods, arising out of the transactions of a number of youthful coal merchants, against Wo Chong was also pressed.

The examination of George Singleton Houghtailing on the charge of perjury was continued. Charles Ott and Gus Cordes testified for the prosecution, and the defendant and Patrick Murphy for the defense. At the conclusion of the testimony the Court found there was probable cause that a jury would convict on the evidence adduced and committed the defendant for trial at the coming term of the Circuit Court with bail fixed at \$1000.

The cases of Gibbs and Murphy on the same charge will come up tomorrow.

The Free Kindergartens.

The five Kindergartens under the charge of "The Free Kindergarten and Children's Aid Association" will be opened whenever the public schools are allowed

to open. The new organization has been duly incorporated, and is ready to receive donations and bequests. It will hold a public meeting in the Y. M. C. A. Hall tomorrow morning at half past ten, for the election of officers and committees. All members of the Association are expected to attend, and all interested in Kindergarten work are invited to be present. The Association enters upon its work under very favorable auspices, and it is hoped that it will have a very creditable report to make at the next annual meeting, when the plans for its various departments of Kindergarten work shall have been in regular operation.

JUDICIARY JOTTINGS.

Estate of the Late Minister Carter—Cases for the November Term.

Henry Smith, master, has made a report on the account of J. O. Carter, surviving trustee of the estate of the late H. A. P. Carter, for the year ending June 30, 1895. George R. Carter was appointed a trustee in place of the late C. L. Carter on August 2. The gross amount of income was \$16,485.97. General expenses and accountant's pay amounted to \$1491.46. Net income divided was \$12,515.94. The trustees received \$54,747.95 and paid \$45,118.42, leaving a balance uninvested to next account of \$9629.53. The master reports the account as correct.

F. H. Hayselden, surviving trustee of the estate of J. G. Hayselden, has filed his annual account, showing receipts of \$28,653.06 and a balance to the good of \$4566.30.

William Cowan has entered a suit for the November term of the Circuit Court against Thomas H. Patterson and Ida C. Patterson his wife, for wages claimed to be due to plaintiff as manager of defendants' grocery store.

Caroline Amy Laing has filed a bill for divorce against Robert Laing.

Judge Whitney has rendered a decision granting the bill of Cheong Hoy against Chin Wo Company for dissolution of co-partnership. Castle and Thurston for plaintiff; Robertson, Kahookano and Johnson for defendants.

John Emmeluth vs John Cook was on argument before the Supreme Court this afternoon. Judge Whiting sat with Chief Justice Judd and Justice Frear in place of Justice Bickerton.

Poomakelani's Death.

Shortly after 6 o'clock last night Poomakelani, sister of Queen Dowager Kapiolani, died suddenly at her home at Kalihi. A telephone message of her illness was sent to the Board of Health, but when Dr. Wayson arrived the lady had expired. Poomakelani had been partly paralyzed for some time, and her death is ascribed to heart failure. The funeral took place this afternoon at 2:30 o'clock, services being held at St. Andrew's Cathedral by Bishop Willis.

A Computing Machine.

A. V. Gear has received by the Australia a computing machine which does all the work of an expert accountant in less than half the time. It will do addition, subtraction, multiplication and division, extract square and cube roots and compute interest on any amount at any rate, and never make a mistake. Mr. Gear is the local agent for this machine.

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Somebody entered the room of Apan, Dr. Herbert's steward, in a yard off Alakea street, last night and stole his watch.

IT STILL STAYS WITH US.

ANOTHER CASE OF CHOLERA REPORTED LAST NIGHT.

Another Victim of the Infected Taro Patch Water—Board of Health Meets this Afternoon.

After an absence of nearly five days cholera again made its appearance last night, the victim being another inmate of the Asylum named W. H. Wheeler, an American by birth. The case was reported to Dr. Herbert at 8:30 p. m., and by 10:40 had developed sufficiently to justify the physician in reporting another case of cholera to the Board of Health. Mr. Wheeler is about 65 years of age and has been an inmate of the Asylum some fifteen years. His dementia takes a religious form and he has always been considered harmless, and as such allowed the full freedom of the grounds. In common with other inmates this liberty to roam about was cut off after Saturday's case developed. Deprivation of liberty seemed to change the form of Wheeler's malady and he has since become quite violent, and at times has had to be strapped to a chair. There is no doubt that he also drank taro patch water on Friday or previously, as there has been no chance for him to have contracted the germs of cholera since. The patient was conveyed to the cholera hospital at once and at 2 o'clock this afternoon he was still alive, though little hope is felt of his final recovery, owing to his advanced age.

President Smith has called a special meeting of the Board of Health for 3 o'clock this afternoon to take measures on the new state of affairs involved. It was intended to allow the schools to reopen on Monday and this matter will probably be acted upon definitely. There seems to be no adequate reason why the schools should not reopen in spite of this new case.

Applications for passes and permits to ship necessities are becoming more and more frequent, showing that the community is becoming restive under the present restrictions to travel and commerce, and it is frequently remarked that the necessity for such restrictions no longer exists.

Several other minor matters will come up before the Board this afternoon.

The familiar presence of Senator Henry Waterhouse is sadly missed about the Board of Health headquarters. He left on the Australia yesterday to take a well-earned vacation and attend to necessary business. The position he filled at the office was an important one and it is to be hoped a competent person will be selected to act in his stead.

Birthday Party.

Hugh C. Reid, the foreman pattern maker of the Honolulu Iron Works, attained his forty-sixth birthday yesterday. He celebrated it by giving an evening party at "Sarotoga," the beautiful beach resort lately opened by himself and Mr. Carver on the old Waikiki road. There were music, dancing and a supper to entertain the guests. The musicians included Mr. Rosen of the band and Peterson's orchestra. Many friends of the braw chief Hugh were there to wish him many happy returns of the day, and they were delighted both with their entertainment and the soft briny atmosphere peculiar to that sheltered position of the beach.